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one of 100 francs each, fixes the amount of pecuniary separation due to Marchi, at 4,000 francs, and condemns the defendants jointly and severally, to pay that sum ; directs an imprisonment of two years ; orders the insertion of this judgment in two newspapers, at the option of Marchi, and decrees the confiscation of the articles seized.

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*Cour Impériale de Paris.* (1 Ch.) 20 Dec., 1853.

MALGAIGNE vs. DE SAINT PRIEST.

1. The editor of a collective work, has the right, even in the absence of any special agreement, to make such changes and suppressions in the articles of contributors, as he may judge proper, so long as those changes and suppressions do not affect the plan and idea of the original.
2. The task of correcting for the press, the proofs of articles in such a work, belongs to the editor.

This was an appeal from a decision of the *Tribunal de Commerce de la Seine*, reported 1 Am. Law Register, 42, where the facts are stated. That decision is reversed by a decree, the substance of which is as follows :

In undertaking the preparation of the article, "*Médecine*," for the *Encyclopédie du XIX Siècle*, Malgaigne, even in the absence of any special agreement to that effect, submitted himself implicitly to the control of the editor. In making certain changes in this article, De Saint Priest was only exercising a right, though it might perhaps have been more courteous in him to have entrusted the author himself with this task. The plan and idea of the original article have, however, been scrupulously preserved. The duty of the editor of the *Encyclopédie* has been properly performed, and the changes introduced by him in the article, in order to adapt it to the general tone of the work, have not in anywise altered its character.

On the other hand, the corrections for the press ought properly to be made by the principal editor in the case of a work collectively prepared by a number of persons ; and this is a custom generally followed.

The other contributors to the *Encyclopédie*, have submitted to it, and have recognized the right of control of the editor, by their approval of the modifications made by him in their articles.

The decree below is reversed.

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### ABSTRACTS OF RECENT AMERICAN CASES.

#### *South Carolina Court of Appeals, May sittings, 1855.*

The following is an abstract of some of the decisions of the Court of Appeals in Equity :

*Church of the Advent vs. Farrow and wife* : Appeal from a decree of Chancellor Johnston, at Spartanburg. Opinion delivered by Wardlaw, Chancellor.

A subscription was drawn for contributions, in money, to erect the church. I. H. subscribed "*fifty dollars, and the lot to build on.*" No lot was laid off, nor were any steps taken in building during his life. At his death, part of his land fell to his daughter, Mrs. Farrow. The bill was to compel her and her husband to convey an acre, at a particular locality on this tract as a site for the church. HELD, that the writing was defective, under the statute of frauds, in not identifying by description, either the extent, or location of the premises intended to be given ; and that the defect could not be cured by parol proof. *Decree affirmed.*

*Boulware vs. Witherspoon* : Appeal from a decree of Chancellor Johnston, at Lancaster. Opinion delivered by Johnston, Chancellor.

Contest between creditors of one Rains, for the application of a fund, in Court, to their respective demands, existing in the form of executions. The Bank of the State held the oldest executions, and claimed priority of right ; and it depended on the amount still due on those executions, whether any portion, or what portion, of the fund should go to the other contesting creditors.

Among the executions of the Bank against Rains, were some against him as endorser for one Goin. The Bank, holding correlative executions against Goin for the same debts, caused Goin's land in this State to be sold by the Sheriff, and credited the proceeds on the executions against him ; and also entered credit, *pro tanto*, on the executions against Rains as endorser. The Bank afterwards followed Goin to Florida, whither he